

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

NO. CIV. S-04-1867 WBS/JFM

Plaintiff,

v.

REAL PROPERTY LOCATED AT 2363
FAIRVIEW LANE, PLACER COUNTY,
NEWCASTLE, CALIFORNIA, BEARING
APN: 032-253-036, INCLUDING ALL
APPURTENANCES AND IMPROVEMENTS
THERE,

REAL PROPERTY LOCATED ON LINCOLN
STREET, PLACER COUNTY, ROSEVILLE,
CALIFORNIA, BEARING APN: 012-200
010, INCLUDING ALL APPURTENANCES
AND IMPROVEMENTS THERETO,

Defendant(s) .

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AMENDED STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the
court hereby vacates the Status (Pretrial Scheduling) Conference
scheduled for April 25, 2005, and makes the following findings
and orders without needing to consult with the parties any
further:

1 I. SERVICE OF PROCESS, JOINDER OF PARTIES/AMENDMENTS

2 Plaintiff has served all entities known to have an
3 interest in each parcel of property identified in this case,
4 with the exception of "Donald V. Ryan, Trustee of the Thomas
5 Richard Ryan Trust." Plaintiff may serve said claimant within
6 thirty (30) days of the file-stamped date of this order.

7 Except as so provided, no further service of process,
8 joinder of parties or amendments to pleadings is permitted
9 except with leave of court, good cause having been shown under
10 Fed. R. Civ. P. 16(b). See Johnson v. Mammoth Recreations,
11 Inc., 975 F.2d 604 (9th Cir. 1992).

12 II. JURISDICTION/VENUE

13 Jurisdiction is predicated in this matter pursuant to
14 28 U.S.C. §§ 1345 and 1355. This Court has venue pursuant to 18
15 U.S.C. § 1395

16 III. DISCOVERY

17 The parties have stipulated that each party will serve
18 the initial disclosures required by Fed. R. Civ. P. 26 (a)(1) by
19 no later than May 15, 2005.

20 Plaintiff shall disclose experts and produce reports
21 in accordance with Fed. R. Civ. P. 26(a)(2) by no later than
22 October 14, 2005.

23 Claimants shall disclose experts and produce reports
24 in accordance with Fed. R. Civ. P. 26(a)(2) by no later than
25 November 1, 2005.

26 All discovery, including depositions for preservation
27 of testimony, is left open, save and except that it shall be so
28 conducted as to be completed by January 16, 2006. The word

1 "completed" means that all discovery shall have been conducted
2 so that all depositions have been taken and any disputes
3 relevant to discovery shall have been resolved by appropriate
4 order if necessary and, where discovery has been ordered, the
5 order has been obeyed. All motions to compel discovery must be
6 noticed on the magistrate judge's calendar in accordance with
7 the local rules of this court and so that such motions may be
8 heard (and any resulting orders obeyed) not later than January
9 16, 2006.

10 IV. MOTION HEARING SCHEDULE

11 All motions, except motions for continuances,
12 temporary restraining orders or other emergency applications,
13 shall be filed on or before February 15, 2006. All motions
14 shall be noticed for the next available hearing date. Counsel
15 are cautioned to refer to the local rules regarding the
16 requirements for noticing and opposing such motions on the
17 court's regularly scheduled law and motion calendar.

18 V. FINAL PRETRIAL CONFERENCE

19 The Final Pretrial Conference is set for April 10,
20 2006 at 10:00 a.m. The conference shall be attended by at least
21 one of the attorneys who will conduct the trial for each of the
22 parties and by any unrepresented parties.

23 Counsel for all parties are to be fully prepared for
24 trial at the time of the Pretrial Conference, with no matters
25 remaining to be accomplished except production of witnesses for
26 oral testimony. Counsel shall file separate pretrial statements,
27 and are referred to Local Rules 16-281 and 16-282 relating to the
28 contents of and time for filing those statements. In addition to

1 those subjects listed in Local Rule 16-281(b), the parties are to
2 provide the court with: (1) a plain, concise statement which
3 identifies every non-discovery motion which has been made to the
4 court, and its resolution; (2) a list of the remaining claims as
5 against each defendant; and (3) the estimated number of trial
6 days.

7 In providing the plain, concise statements of
8 undisputed facts and disputed factual issues contemplated by
9 Local Rule 16-281(b) (3)-(4), the parties shall emphasize the
10 claims that remain at issue, and any remaining affirmatively pled
11 defenses thereto. If the case is to be tried to a jury, the
12 parties shall also prepare a succinct statement of the case,
13 which is appropriate for the court to read to the jury.

14 VI. TRIAL SETTING

15 The trial is set for July 11 at 9:00 a.m.

16 VII. SETTLEMENT CONFERENCE

17 A Settlement Conference will be set at the time of the
18 Pretrial Conference.

19 Counsel are instructed to have a principal with full
20 settlement authority present at the Settlement Conference or to
21 be fully authorized to settle the matter on any terms. At least
22 seven calendar days before the Settlement Conference counsel for
23 each party shall submit a confidential Settlement Conference
24 Statement for review by the settlement judge. If the settlement
25 judge is not the trial judge, the Settlement Conference

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1 Statements shall not be filed and will not otherwise be disclosed
2 to the trial judge.

3 DATED: April 18, 2005.
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6 WILLIAM B. SHUBB
7 UNITED STATES DISTRICT JUDGE
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